

### REMARKS

Reconsideration and allowance of the present application are respectfully requested.

Claims 1, 4, 5, 8, 12 and 19-27 are pending in this application. Claims 2, 3, 6, 7, 10, 11 and 13-18 have been cancelled.

Claims 1, 5 and 9 have been amended as supported in the present specification including in Example 1 at page 16, line 13 and page 18, lines 18-19. No new matter has been added.

The applicants respectfully traverse the rejection of claims 1-18 under 35 USC 102(b) in view of Suwa et al. This reference does not anticipate the presently claimed invention or make it obvious.

Suwa describes compositins for promoting the proliferation of *Bifidobacterium bifidum* in the intestine (see reference, column 1, lines 20-21 and column 2, lines 41-43)). More particularly, Suwa discloses a composition containing a mixture of xylooligosaccharide which contains xylobiose as it principal component, its xylobiose content being preferably 60% or more. In deed, all the Working Examples use xylooligosaccharide which contains 60% or more of xylobiose

Thus, the applicants submit that Suwa does not disclose a pharmaceutical agent containing xylooligosaccharide which contains less than 60% of xylobiose. In contrast, the pharmaceutical composition of the presently claimed invention (as amended) contains as a pharmaceutical agent, xylooligosaccharide which contains at least 30 wt% to less than 45 wt% of xylobiose. Additionally, the pharmaceutical use of the agent of the presently

claimed invention (as amended and newly claimed) clearly and patentably differs from that of Suwa.

Accordingly, the applicants submit that the presently claimed invention is no where disclosed, suggested or made obvious by the teachings of Suwa. The presently claimed invention is not only allowable under Section 102(b), but is also allowable under Section 103(a) in view of the cited art.

In view of the above, it is believed that this application is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

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